### **BOARD OF COUNTY COMMISSIONERS**

#### AGENDA ITEM SUMMARY

Meeting Date:	April 20	0, 2005			Division:	Growth Management
Bulk Item:	Yes	X	No		Department:	Planning
					Staff Contact I	Person: K. Marlene Conaway
	troy to l	nave on	* *			t from James D. Robertroy and Scarlett R. cribed as Lots 1, & 2, Block 26, Cutthroat
applicant listed and Scarlett R.	l below p Navarro mit alloc	orovideo -Robert ation a	I the applican roy submitte	it's Restric d the Restr	tive Covenant is a ictive Covenant to	asion approved an allocation award for the approved by the BOCC. James D. Robertroy o Monroe County. The applicant is receiving has filed the document in accordance with
PREVIOUS F 1999.	RELEVA	NT BO	DARD ACTI	(ON: On N	November 11, 199	99, the BOCC adopted Ordinance No. 047-
CONTRACT/	AGREE	MENT	CHANGES	: N/A.		
STAFF RECO	OMMEN	DATIC	N: Approval			
TOTAL COS	ST:	X			BUDG	ETED: Yes <u>N/A</u> No
COST TO C	OUNTY	/ <b>:</b>	N/A		SOUR	CE OF FUNDS: <u>N/A</u>
REVENUE I	PRODU	CING	Yes <u>N/A</u>	No	AMOUNT	PER MONTH N/A Year
APPROVED	BY:	Count	y Atty X	OMB/P	urchasing <u>N/A</u>	Risk Management N/A
DIVISION D	DIRECT	'OR A	PPROVAL:	<u></u>	Timoth	J. McGarry, AICP
DOCUMEN	ΓΑΤΙΟΙ	<b>N:</b>	Included _	<u>X</u>	Not Required	
DISPOSITIO	ON:					AGENDA ITEM #

# MEMORANDUM

TO::

Danny Kolhage, Clerk of the Court

FROM:

Timothy J. McGarry, Growth Management Director

DATE:

April 20, 2005

RE:

Clarification of Agenda Item

# **Restrictive Covenant**

Permit	Name on	Name on	Legal
Number	Agenda Item	Restrictive Covenant	Description
03-1-3799	James D. Robertroy and	James D. Robertroy and	Lots 1, & 2, Block 26,
	Scarlett R. Navarro-	Scarlett R. Navarro-	Cutthroat Harbor
	Robertroy	Robertroy	Estates, Cudjoe Key

#### LOT AGGREGATION RESTRICTIVE COVENANT

1. Whereas, James D. Robertroy and Scarlett R. Navarro-Robertroy, a married couple, the undersigned are the sole owners of the following described real property located in Monroe County, Florida as described as follows:

Lot(s): 1 and 2 Block: 26

Subdivision: Cutthroat Harbor Estates

Key: <u>Cudjoe</u> PS: <u>4-165</u>

Real Estate #(s): 00182250.000000 and 00182260.000000;

and

- 2. Whereas, this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and
- 3. **Whereas**, the above described parcel(s) was assigned additional points in the Permit Allocation System for building permit # 03-1-3799 for the voluntary reduction of density through aggregation of vacant, legally platted, buildable lots.
- 4. **NOW, THEREFORE**, the undersigned agree as follows:
  - The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a singlefamily residence; and
  - The restrictions here in shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned: it being the intention if the undersigned by execution and recording of document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

Lot Aggregation Restrictive Covenant Page RE: 00182250.000000 and 00182260.00000

- This covenant is intended to benefit and run in favor of the County of Monroe;
   and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

County deems appropriate.	
EXECUTED ON THE B day of	5m, 2005
James D. Robertroy  Scar  22920 John Avery Lane  2292	nature)  lett R. Navarro-Robertroy  20 John Avery Lane  joe Key, Fl 33042
WITNESSESS:  Setter Sur Lole (Signature)  Yatherene Levet de Moler (Print/Type Name)	(Signature)  (Signature)  (Print/Type Name)
This Instrument Prepared by: James D. Robertroy 22920 John Avery Lane Cudjoe Key, Fl 33042	Notary Public (Print Name)  Notary Public (Signature)  My Commission Expires  2/10/10
Lot Aggregation Restrictive Covenant Page 2 of 2 RE: 00182250.000000 and 00182260.00000	MONROE COUNTY ATTORNEY APPROVED AS TO FORM